



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/716,905

11/19/2003

Hiroshi Oyama

03695/LH

7046

1933 7590 11/15/2007  
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK, NY 10001-7708

EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

11/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/716,905

**Applicant(s)**

OYAMA ET AL.

**Examiner**

Houshang Safaipour

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-16 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/03 and 05/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsubo Toshihiko (JP 09-200449) and further in view of Sakatani Kazutomi (JP 2000-092291).

Regarding claim 1, Toshihiko discloses an image reading apparatus for reading an original mounted on a platen glass with a scan optical system by using an image pickup device (fig. 2, paragraph [002-003]), the apparatus having a function to perform a preliminary original reading operation for automatically determining a density (concentration) of the original before an image is read, wherein preliminary original reading is performed while the scan optical system is moving from a read standby position (C) facing the original to an image read operation start position (HP1) (fig. 2, paragraph [0036]); and a white background level correction operation of the image pickup device is performed [0062-0063] also [0068-0069]). Toshihiko does not explicitly disclose that such correction is performed after pre scanning. However, such practice is well known in the art as disclosed by Kazutomi ([0038-0040]).

Regarding claim 2, Toshihiko discloses the image reading apparatus according to claim 1, wherein the original reading operation is performed after the white background level correction operation by the image pickup device ([0062-0063]).

Art Unit: 2625

Regarding claim 3, Toshihiko discloses the image reading apparatus according to claim 1, wherein the image pickup device comprises a CCD sensor [0043].

Regarding claim 4, Toshihiko discloses the image reading apparatus according to claim 1, wherein an image read by the CCD sensor is converted into a digital signal [0043].

Regarding claim 5, Toshihiko discloses the image reading apparatus according to claim 1, wherein the preliminary original reading operation involves obtaining density data of the original image [0036].

Regarding claim 7, Toshihiko discloses the image reading apparatus according to claim 1, wherein the preliminary original reading operation involves reading a part of the original [0043].

Regarding claims 10 and 11, Kazutomi discloses distinguishing alphabetic character from a photograph and adjusting reading position accordingly ([0037-0038]).

3. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsubo Toshihiko (JP 09-200449) and in view of Sakatani Kazutomi (JP 2000-092291) and further in view of Tada Kaoru (JP 11-122436).

Regarding claims 8 and 9, combination of Toshihiko and Kazutomi does not disclose size detection. Kaoru discloses detecting the size of the original by identifying the original and the reflected light of the original cover (abstract and also [0014-0015]).

***Allowable Subject Matter***

4. Claims 12-16 are allowed.

Art Unit: 2625

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Houshang safaipour  
Patent Examiner  
November 12, 2007

